

September 18, 1937

Mr. C. B. Brown  
County Agricultural Agent  
Third Floor, Court House  
Tucson, Arizona

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Dear Mr. Brown:

This will acknowledge receipt of your letter of September 15th in which you ask the correct procedure for excluding certain land in the Jaynes Irrigation District.

It is provided by Chapter 37, Section 12, Session Laws of 1933 in substance as follows: That the board of directors of an irrigation district shall, when any of the lands within said district are alkaline, or for all enumerated reasons, adopt a resolution declaring its intention to exclude such lands from said district. A copy of such resolution must be served upon all record owners and actual residents, and by publication at least once a week for three successive weeks, in a paper of general circulation within the county wherein said district office may be located.

The resolution shall fix a time and place for the hearing, at which time all objections to such exclusion shall be heard, and upon conclusion of such hearing the board may either sustain the objections or adopt a second resolution excluding such lands.

It is further provided in said section that any person feeling himself aggrieved by such final action, may file an appeal to the superior court in the county by following the procedure outlined in subdivision (e) of said section.

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The above is in substance the procedure to be followed in excluding any lands from an irrigation district, although I would suggest before the resolution is adopted by the district, that the above quoted statute be consulted and expressly followed.

With my kindest personal regards to you, I am

Very truly yours,

JOE CONWAY  
Attorney General

J. M. JOHNSON  
Assistant Attorney General